

SECOND REGULAR SESSION

# SENATE BILL NO. 969

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR KEAVENY.

Read 1st time February 18, 2010, and ordered printed.

TERRY L. SPIELER, Secretary.

4785S.04I

## AN ACT

To repeal section 167.031, RSMo, and to enact in lieu thereof two new sections relating to school attendance.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Section 167.031, RSMo, is repealed and two new sections  
2 enacted in lieu thereof, to be known as sections 167.031 and 171.017, to read as  
3 follows:

167.031. 1. Every parent, guardian or other person in this state having  
2 charge, control or custody of a child not enrolled in a public, private, parochial,  
3 parish school or full-time equivalent attendance in a combination of such schools  
4 and between the ages of seven years and the compulsory attendance age for the  
5 district is responsible for enrolling the child in a program of academic instruction  
6 which complies with subsection 2 of this section. Any parent, guardian or other  
7 person who enrolls a child between the ages of five and seven years in a public  
8 school program of academic instruction shall cause such child to attend the  
9 academic program on a regular basis, according to this section **except as**  
10 **provided in subsection 8 of this section.** Nonattendance by such child shall  
11 cause such parent, guardian or other responsible person to be in violation of the  
12 provisions of section 167.061, except as provided by this section. A parent,  
13 guardian or other person in this state having charge, control, or custody of a child  
14 between the ages of seven years of age and the compulsory attendance age for the  
15 district shall cause the child to attend regularly some public, private, parochial,  
16 parish, home school or a combination of such schools not less than the entire  
17 school term of the school which the child attends; except that:

18 (1) A child who, to the satisfaction of the superintendent of public schools

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

19 of the district in which he resides, or if there is no superintendent then the chief  
20 school officer, is determined to be mentally or physically incapacitated may be  
21 excused from attendance at school for the full time required, or any part thereof;

22 (2) A child between fourteen years of age and the compulsory attendance  
23 age for the district may be excused from attendance at school for the full time  
24 required, or any part thereof, by the superintendent of public schools of the  
25 district, or if there is none then by a court of competent jurisdiction, when legal  
26 employment has been obtained by the child and found to be desirable, and after  
27 the parents or guardian of the child have been advised of the pending action; or

28 (3) A child between five and seven years of age shall be excused from  
29 attendance at school if a parent, guardian or other person having charge, control  
30 or custody of the child makes a written request that the child be dropped from the  
31 school's rolls.

32 2. (1) As used in sections 167.031 to 167.071, a "home school" is a school,  
33 whether incorporated or unincorporated, that:

34 (a) Has as its primary purpose the provision of private or religious-based  
35 instruction;

36 (b) Enrolls pupils between the ages of seven years **or five years, in**  
37 **accordance with sections 160.051, 160.053, 160.054, and 160.055,**  
38 **beginning in the 2011-2012 school year, for a metropolitan school**  
39 **district and an urban school district containing most or all of a city**  
40 **with a population greater than three hundred fifty thousand**  
41 **inhabitants** and the compulsory attendance age for the district, of which no  
42 more than four are unrelated by affinity or consanguinity in the third degree; and

43 (c) Does not charge or receive consideration in the form of tuition, fees, or  
44 other remuneration in a genuine and fair exchange for provision of instruction.

45 (2) As evidence that a child is receiving regular instruction, the parent  
46 shall, except as otherwise provided in this subsection:

47 (a) Maintain the following records:

48 a. A plan book, diary, or other written record indicating subjects taught  
49 and activities engaged in; and

50 b. A portfolio of samples of the child's academic work; and

51 c. A record of evaluations of the child's academic progress; or

52 d. Other written, or credible evidence equivalent to subparagraphs a., b.  
53 and c.; and

54 (b) Offer at least one thousand hours of instruction, at least six hundred

55 hours of which will be in reading, language arts, mathematics, social studies and  
56 science or academic courses that are related to the aforementioned subject areas  
57 and consonant with the pupil's age and ability. At least four hundred of the six  
58 hundred hours shall occur at the regular home school location.

59 (3) The requirements of subdivision (2) of this subsection shall not apply  
60 to any pupil above the age of sixteen years.

61 3. Nothing in this section shall require a private, parochial, parish or  
62 home school to include in its curriculum any concept, topic, or practice in conflict  
63 with the school's religious doctrines or to exclude from its curriculum any concept,  
64 topic, or practice consistent with the school's religious doctrines. Any other  
65 provision of the law to the contrary notwithstanding, all departments or agencies  
66 of the state of Missouri shall be prohibited from dictating through rule, regulation  
67 or other device any statewide curriculum for private, parochial, parish or home  
68 schools.

69 4. A school year begins on the first day of July and ends on the thirtieth  
70 day of June following.

71 5. The production by a parent of a daily log showing that a home school  
72 has a course of instruction which satisfies the requirements of this section or, in  
73 the case of a pupil over the age of sixteen years who attended a metropolitan  
74 school district the previous year, a written statement that the pupil is attending  
75 home school in compliance with this section shall be a defense to any prosecution  
76 under this section and to any charge or action for educational neglect brought  
77 pursuant to chapter 210, RSMo.

78 6. As used in sections 167.031 to 167.051, the term "compulsory  
79 attendance age for the district" shall mean:

80 (1) Seventeen years of age for any metropolitan school district for which  
81 the school board adopts a resolution to establish such compulsory attendance age;  
82 provided that such resolution shall take effect no earlier than the school year  
83 next following the school year during which the resolution is adopted; and

84 (2) Seventeen years of age or having successfully completed sixteen credits  
85 towards high school graduation in all other cases. The school board of a  
86 metropolitan school district for which the compulsory attendance age is seventeen  
87 years may adopt a resolution to lower the compulsory attendance age to sixteen  
88 years; provided that such resolution shall take effect no earlier than the school  
89 year next following the school year during which the resolution is adopted.

90 7. For purposes of subsection 2 of this section as applied in subsection 6

91 [herein] of this section, a "completed credit towards high school graduation"  
92 shall be defined as one hundred hours or more of instruction in a course. Home  
93 school education enforcement and records pursuant to this section, and sections  
94 210.167 and 211.031, RSMo, shall be subject to review only by the local  
95 prosecuting attorney.

96 **8. Beginning in the 2011-2012 school year, in a metropolitan**  
97 **school district and in an urban school district containing most or all of**  
98 **a city with a population greater than three hundred fifty thousand**  
99 **inhabitants, every parent, guardian, or other person having charge,**  
100 **control or custody of a child not enrolled in a public, private, parochial,**  
101 **parish school, or full-time equivalent attendance in a combination of**  
102 **such schools and between the ages of five years, in accordance with**  
103 **sections 160.051, 160.035, 160.054, and 160.055, and the compulsory**  
104 **attendance age for the district is responsible for enrolling the child in**  
105 **a program of academic instruction which complies with subsection 2 of**  
106 **this section. A parent, guardian, or other person in this state having**  
107 **charge, control, or custody of a child between the ages of five years of**  
108 **age, in accordance with sections 160.051, 160.035, 160.054, and 160.055,**  
109 **and the compulsory attendance age for the district shall cause the child**  
110 **to attend regularly some public, private, parochial, parish, home school,**  
111 **or combination of such schools not less than the entire school term of**  
112 **the school which the child attends, except that:**

113 **(1) A child who, to the satisfaction of the superintendent of**  
114 **public schools of the district in which he resides, or if there is no**  
115 **superintendent then the chief school officer, is determined to be**  
116 **mentally or physically incapacitated may be excused from attendance**  
117 **at school for the full time required, or any part thereof;**

118 **(2) A child between fourteen years of age and the compulsory**  
119 **attendance age for the district may be excused from attendance at**  
120 **school for the full time required, or any part thereof, by the**  
121 **superintendent of public schools of the district, or if there is none then**  
122 **by a court of competent jurisdiction, when legal employment has been**  
123 **obtained by the child and found to be desirable, and after the parents**  
124 **or guardian of the child have been advised of the pending action; or**

125 **(3) The parent or legal guardian of a child may determine that**  
126 **the child is not ready to attend kindergarten and may enroll the child**  
127 **in an accredited preschool program operating in the school district**

128 after providing notification to the school district.

171.017. 1. The board of education of any school district, upon  
2 adoption of a resolution by the vote of a majority of all its members to  
3 authorize such action, may offer two start dates for kindergarten for  
4 children who have attained the statutorily required age of eligibility  
5 for kindergarten. The school district may group children according to  
6 their date of birth to begin kindergarten on one of the start dates.

7 2. Any school district that adopts such a resolution shall offer:

8 (1) One start date for kindergarten that occurs on the opening  
9 date of the school year; and

10 (2) One start date for kindergarten that occurs approximately  
11 halfway through the school year.

12 3. Any school district that adopts such a resolution shall allow  
13 parents to have their child or children start kindergarten on the start  
14 date of choice.

15 4. No district that adopts a resolution under this section shall  
16 lose eligibility to receive state aid pursuant to section 163.021 as a  
17 result of implementing a second start date for kindergarten students,  
18 irrespective of the timing of, or number of, days of pupil attendance.

19 5. Any child who begins kindergarten on a second kindergarten  
20 start date under this section may be promoted to first grade the  
21 subsequent school year if the student's teacher and principal find that  
22 the student is adequately prepared. Alternatively, the student's parent  
23 or legal guardian may request that the student remain in kindergarten  
24 an additional year.

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